

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GREGORY McNEILL,
Plaintiff,

v.

MASSACHUSETTS BAY COMMUTER
RAILROAD COMPANY, LLC,
Defendant

Docket No.: 2012-CV-10679 DJC

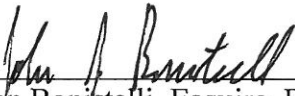
**DEFENDANT'S MOTION IN LIMINE TO PRECLUDE PLAINTIFF FROM MAKING
REFERENCE TO STRICT LIABILITY IN HIS OPENING**

Now comes the defendant Massachusetts Bay Commuter Railroad Company, LLC (MBCR) and respectfully requests that this Court issue an order precluding the Plaintiff from making any reference to strict liability and or liability under the Locomotive Inspection Act/Safety Appliance Act during his opening statement. As grounds therefore, there are genuine issues of fact to be determined by the jury and such references constitute improper argument.

Respectfully submitted,

Defendant,
Massachusetts Bay Commuter Railroad Co., LLC
By Its Attorney,

Date: 10-3-2013


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CERTIFICATE OF SERVICE

I, Thomas V. DiGangi, attorney for the defendant, Mass. Bay Commuter Railroad Company, LLC., hereby certify that a true copy of the foregoing document was filed electronically with the court's electronic filing system, this 3rd day of October 2013

